

REMARKS

Applicants affirm the election of claims 14-22 with traverse and claims 1-13 have been cancelled, without prejudice to filing a divisional application directed to the subject matter of these claims.

Claims 14 - 22 stand rejected under 35 U.S.C. §112, first and second paragraphs, as not enabling regarding the existence of sodium ions in the claimed process. As clearly set forth in paragraph [0033] on page 10 of the specification, the preferred clay starting material is a smectite clay that includes exchangeable sodium interlayer cations. Claim 14 has been amended to recite that the smectite clay includes exchangeable sodium interlayer cations. Clearly, upon ion exchange, the exchange cations (ammonium, alkali metal and/or alkaline earth metal-except for lithium or sodium) replace sodium interlayer ion and the exchanged sodium ions then are in the water. These sodium ions then are filtered from the water via the claimed hollow-fiber tangential flow filtration apparatus. Since it is now clear that the sodium ions are in the starting clay, it is submitted that the rejection of claims 14-22, based on the source of the claimed sodium ions, should be withdrawn.

Claim 17 also stands rejected under 35 U.S.C. §112, second paragraph, based on improper Markush language. Claim 17 has been amended as suggested. Accordingly, the rejection of claim 17 under 35 U.S.C. §112 should be withdrawn.

Claims 14-22 stand rejected under 35 U.S.C. §103(a) as being obvious over Mathur et al. 2004/0216388 A1 in view of Millipore Corporation. Mathur et al. 2004/0216388 A1 is not prior art under 35 U.S.C. §102(a) or even under 35 U.S.C. §102(e) - having a filing date of March 5, 2004 (the present application was filed on October 2, 2003). Provisional application No. 60/455,216, filed on March 17, 2003 (prior to applicants' filing date) is attached and discloses nothing regarding using an ion-exchanged clay as a polishing abrasive particle. Further, even if such a teaching exists, it would not have been obvious from the Millipore publication, which is directed to the use of the tangential flow filtration process for purifying proteins. Millipore neither teaches nor suggests that the process might be beneficial for obtaining abrasive particles suitable for planarizing or polishing a surface, as claimed by applicants herein.

For the above reasons, it is submitted that the rejection of all elected claims (14- 22) based on Mathur, et al. in view of Millipore should be withdrawn.

It is submitted that all claims are now of proper form and scope for allowance. Early and favorable consideration is respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 13-2855, under Order No. 28569/38510 from which the undersigned is authorized to draw.

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Respectfully submitted,

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